IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Bail Appl..No. 4528 of 2007()

CRIME NO.108/07 OF THRIKKUNAPUZHA POLICE STATION

PETITIONER/ACCUSED IN CRIME NO.108/07

FRANCIS, AGED 35 YEARS, S/O.ISSAC,
RESIDING AT THALUMKAROT VEEDU,
KUMBAZHA P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CRIME NO.108/2007

STATE OF KERALA, REPRESENTED BY THE
PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.4528 OF 2007

Dated this the 27th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime registered under Secs.420 and 313 of the IPC. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police for investigation under Sec.156(3) of the Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. What is the allegation against the petitioner? It is submitted that the petitioner promised the de facto complainant that he will marry her. On that promise, they had sexual intercourse also. She became pregnant. The pregnancy was aborted. Later, the petitioner refused to marry the de facto complainant. It is further alleged that an amount of Rs.30,000/- was received by the petitioner from the de facto

complainant as also some gold ornaments.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that, in the facts and circumstances to which I have made a brief reference already, that the petitioner can be granted anticipatory bail. More detailed reference to the facts does not appear to be necessary.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 3/8/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 4/8/07 and 6/8/07. During this period, the Investigator shall be at liberty to interrogate the petitioner in custody and to get the potency test conducted. Thereafter, on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently, he shall so make himself available for interrogation before the Investigating Officer as

and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 3/8/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 3/8/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge